

PATENT
Appl. No. 09/388,781
Attorney Docket No. 450127-02160

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-15 will be pending. By this amendment, claims 1, 4, 5, and 10 have been amended, and new claims 12-15 have been added.

Objections to the Specification

In Section 1 of the Office Action, the Examiner has objected to the Title. As noted above, the title has been amended, thereby obviating this objection. Accordingly, it is respectfully requested that this objection be withdrawn.

§102 Rejection of Claims 1-2, 5-6, and 8-11

In Section 3 of the Office Action, the Examiner has rejected claims 1-2, 5-6, and 8-11 under 35 U.S.C. §102(e) as being unpatentable over Mochizuki (U.S. Patent 6,097,814; hereinafter referred to as "Mochizuki"). This rejection is respectfully traversed below.

Regarding claim 1, claim 1 has been amended and calls for:

1. (Currently Amended) A data transmitting and receiving system comprising a data transmitting apparatus and a data receiving apparatus,

said data receiving apparatus having a reader for reading a recording medium with a recorded ID and control means;

said control means comprising means for controlling said reader to read a program and/or data from said recording medium and executing the program and/or processing the data if an ID designated by data received by said data receiving apparatus agrees with the recorded ID of said recording medium which is read by said reader;

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wherein said received data designating the ID is received by broadcast.

Accordingly, in one aspect of claim 1, the data receiving apparatus receives by broadcast data designating the ID. If the ID designated by the data received by broadcast agrees with the recorded ID read from the recording medium, the control means of the data receiving apparatus causes the program to be read from the recording medium and executed. By using an ID in data received by broadcast and an ID read from recording medium, the data receiving apparatus can confirm the ID is proper without sending a request to a source, such as the data transmitting apparatus. This advantageously allows the data receiving apparatus to avoid using two-way communication with a source to confirm the ID. (See, e.g., the Specification of the present application at pages 8-9.)

Claim 1 has been amended and so the arguments presented by the Examiner in rejecting claim 1 in Section 3 of the Office Action do not appear to apply to amended claim 1. However, were the same arguments applied to amended claim 1, it does not appear that those arguments would establish how Mochizuki shows using an ID that is designated by data received by broadcast as called for in amended claim 1 because it does not appear that the Examiner's arguments address broadcasting data designating an ID.

Accordingly, it is submitted that the rejection of claim 1 has been overcome and so the rejection of claim 2 that depends from claim 1 has also been overcome.

Similar arguments apply to claims 4, 5, and 10, and so to claims 6 and 8-9 that depend from claim 5, and to claim 11 that depends from claim 10.

Based upon the foregoing, it is submitted that claims 1-2, 5-6, and 8-11 are not anticipated by nor rendered obvious by the teachings of Mochizuki, as presented and referenced

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by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 5-6, and 8-11 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 3 and 7

In Section 5 of the Office Action, the Examiner has rejected claims 3 and 7 under 35 U.S.C. §103(a) as being unpatentable over Mochizuki (U.S. Patent 6,097,814; hereinafter referred to as "Mochizuki"). This rejection is respectfully traversed below.

Claims 3 and 7 depend from claims 1 and 5, respectively. As discussed above, it is submitted that the rejections of claims 1 and 5 have been overcome. Therefore, it is respectfully submitted that the rejections of claims 3 and 7 have also been overcome through the dependence of claims 3 and 7 on claims 1 and 5, respectively.

Based upon the foregoing, it is submitted that claims 3 and 7 are not anticipated by nor rendered obvious by the teachings of Mochizuki, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 3 and 7 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

New Claims

New claims 12-15 depend from claims 1, 4, 5, and 10, respectively. As discussed above, it is submitted that the rejections of claims 1, 4, 5, and 10 have been overcome. Therefore, it is submitted that claims 12-15 should be allowable.

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CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-15 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-10320.

Respectfully submitted,

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